

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ALASKA**

United States of America v. Joseph Alexander Sledge

Case No. 3:24-cr-00097-TMB-KFR

By: THE HONORABLE TIMOTHY M. BURGESS

PROCEEDINGS: ORDER FROM CHAMBERS

This matter comes before the Court on the Government’s Expedited Motion to Allow Witness to Appear Via Video Teleconference at Trial by Jury (“the Motion”).¹ The Government indicates that the Motion is not opposed.² The Government seeks to introduce the testimony of Robert Wade Douglas, FBI Special Agent, via video teleconference at the trial by jury set for November 13, 2024. For the following reasons, the motion is **DENIED**.

The Confrontation Clause of the Sixth Amendment grants a criminal defendant the right “to be confronted with witnesses against him.”³ The Confrontation Clause has an “irreducible literal meaning” that guarantees the physical presence of witnesses so the defendant may meet witnesses face-to-face.⁴ The defendant’s right to physically confront an adverse witness cannot be compromised by permitting remote witness testimony unless the Court can make a case-specific finding that (1) the denial of physical confrontation “is necessary to further an important public policy” and (2) “the reliability of the testimony is otherwise assured.”⁵ A defendant’s “constitutional rights cannot be neglected merely to avoid ‘added expense or inconvenience.’”⁶

The Motion provides no explanation as to why Robert Wade Douglas cannot appear in person.⁷ While the Government indicates counsel for defendant Joseph Alexander Sledge does not oppose the motion, the Government does not address Federal Rule of Criminal Procedure 26 or the Confrontation Clause. The Motion does not provide enough information for the Court to determine (1) that the denial of physical confrontation is necessary to further an important public policy and (2) that the Government can assure the reliability of the remote testimony. Accordingly, the Motion at Docket 30 is **DENIED**.

Entered at the direction of the Honorable Timothy M. Burgess, United States District Judge.

DATE: November 5, 2024.

¹ Dkt. 30 (Motion to Allow Witness to Appear Via Video Teleconference at Trial by Jury).

² *Id.* at 1.

³ U.S. Const. amend. VI; *United States v. Carter*, 907 F.3d 1199, 1204 (9th Cir. 2018).

⁴ *Carter*, 907 F.3d at 1205 (quoting *Coy v. Iowa*, 487 U.S. 1012, 1021 (1988)).

⁵ *Id.* at 1208 (quoting *Maryland v. Craig*, 497 U.S. 836, 850, 857 (1990)).

⁶ *Id.* (quoting *California v. Green*, 399 U.S. 149, 189 n. 22 (1970)).

⁷ Dkt. 30 at 1.